

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6298		Date: March 9, 2010
Department: Legal	Attachments: Ordinance No. 6298	Budget Impact:
Administrative Recommendation: City Council to introduce and adopt Ordinance 6298.		
Background Summary: <p>There are occasions when an ordinance is adopted, modifying certain sections of the City Code, where the city anticipates or expects future changes to occur in the same area. So that there is no confusion about the effect of an amending ordinance, it is appropriate to indicate an intention that amendments modifying similar sections of the code shall all be operative even though subsequent ordinances may not address all of the previous sections amended. This ordinance seeks to add a statement of intent applicable to all ordinances that would indicate that a subsequent amendment to the code shall apply along with previous enactments or amendments unless expressly indicated otherwise. This would avoid confusion where an ordinance amended a particular chapter and a subsequent ordinance amended that chapter. This provision would indicate the intent that both amendments shall be given effect. By making this a part of the ACC, generally, it does not need to be specified for each and every amending ordinance.</p> <p>Also, the current practice in ordinances, like that employed by the state legislature, shows changes from existing legislative enactments by strikethroughs for portions being deleted and underlines for portions being added. If we are going to be making changes that are comprehensive and generally applicable to the Auburn City Code, it is appropriate to specify that in the City Code so that it applies generally to all ordinances.</p> <p>A0315-1 A3.5.5</p>		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input type="checkbox"/> Public Works </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing __/__/__ Referred to _____ Until __/__/__ Tabled _____ Until __/__/__		
Councilmember: Backus		Staff: Heid
Meeting Date: March 15, 2010		Item Number: VIII.A.3

ORDINANCE NO. 6 2 9 8

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
CHAPTER 1.04 OF THE AUBURN CITY CODE –
GENERAL PROVISIONS – RELATING TO
AMENDMENTS TO EXISTING PROVISIONS**

WHEREAS, the current provisions of the Auburn City Code identify the rules and regulations adopted by City ordinance and subject to periodic review; and

WHEREAS, because of the complexity and variety of issues included in the City Code, there are times when one provision of the City Code could affect other provisions of the City Code, and it may not be necessary to amend both provisions of the City Code even though they may be related or connected to similar topics; and

WHEREAS, in order to address the interaction between existing and amending provisions of the City Code, and to ensure that the intention of the City Council is recognized, it is appropriate to insert into the provisions of the City Code language that speaks to the effect of subsequent amendments and the effect of amending language in City ordinances; and

WHEREAS, it is also appropriate to empower the City Clerk, as Code Reviser for the City, to assure that the language of City Code provisions, when amended, are given the intended effect.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code.

That Chapter 1.04 of the

Auburn City Code be and the same hereby is amended to read as follows:

Chapter 1.04
GENERAL PROVISIONS

Sections:

- | | |
|----------|---|
| 1.04.010 | Definitions. |
| 1.04.020 | Grammatical interpretation. |
| 1.04.024 | <u>Effect of subsequent amendments.</u> |
| 1.04.026 | <u>Changes expressly marked.</u> |
| 1.04.030 | Prohibited acts include causing, permitting and related acts. |
| 1.04.040 | Construction. |
| 1.04.050 | Repeal shall not revive any ordinances. |

1.04.010 Definitions.

A. The following words and phrases, whenever used in the ordinances of the city of Auburn, Washington, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specially defined and more particularly directed to the use of such words or phrases.

1. "City" means the city of Auburn, Washington, or the area within the territorial limits of the city of Auburn, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

2. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

3. "Council" means the city council of Auburn, Washington. "All its members" or "all councilmen" means the total number of councilmen provided by the general laws of the state of Washington.

4. "County" means the appropriate county of King or Pierce, Washington.

5. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city of Auburn and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

6. "May" is permissive.

7. "Month" means a calendar month.

8. "Must" and "shall." Each is mandatory.

9. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

10. "Ordinance" means a law of the city; provided, that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

11. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

12. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

13. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

14. "Preceding" and "following" mean next before and next after, respectively.

15. "Property" includes real and personal property.

16. "Real property" includes lands, tenements and hereditaments.

17. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

18. "State" means the state of Washington.

19. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

20. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

21. Title of Officer. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city.

22. "Written" includes printed, typewritten, mimeographed or multigraphed.

23. "Year" means calendar year.

B. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

C. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Ord. 5212 § 1 (Exh. A), 1999; Ord. 2905 § 1, 1976.)

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

A. Gender. The masculine gender includes the feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 2905 § 2, 1976.)

1.04.024 Effect of subsequent amendments.

Unless the context expressly provides otherwise, it is the express intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or subsection of the Auburn City Code or a previously enacted ordinance that is amended or recodified therein, but the later ordinance fails to account for the change made by the initial or earlier ordinance or code provisions, the two sets of provisions shall be given effect together if at all possible. The City Clerk, as code reviser for the City, is authorized to include language in the Auburn City Code clarifying the provisions to accomplish the intended effect.

1.04.026 Changes expressly marked.

It is the express intent of the City Council that when provisions are being amended by City ordinances, changes to the Auburn City Code or uncodified ordinances shall be shown by striking out text to be deleted, and underlining text to be added. The City Clerk, as code reviser for the City, is authorized to include language in the Auburn City Code clarifying the provisions to accomplish the intended effect.

1.04.030 Prohibited acts include causing, permitting and related acts.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 2905 § 3, 1976.)

1.04.040 Construction.

The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 2905 § 4, 1976.)

1.04.050 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 2905 § 5, 1976.)

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

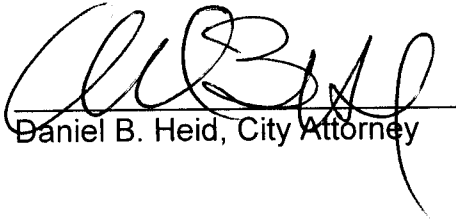
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to read 'DBH', is written over a horizontal line.

Daniel B. Heid, City Attorney

Published: _____